

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-1  
INTRODUCTION AND RIGHT TO APPLY**

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**1240-1-1-.01 SCOPE AND PURPOSE**

- (1) Pursuant to the requirements of Public Chapter 950 (1996), the “Families First Act of 1996”, the Families First (Temporary Assistance) Program was created to replace the current Aid to Families with Dependent Children (AFDC) program in order to reform the program of economic assistance to needy families in Tennessee.
- (2) Pursuant to Section 8(d) of Public Chapter 950 (1996), the Department of Human Services is directed to administer the program of economic assistance to families under Titles IV-A, IV-D, and IV-F of the Social Security Act pursuant to Federal statutes or regulations as they continue to exist after the September 1, 1996 effective date of Public Chapter 950, or as authorized under Public Chapter 950 (1996), pursuant to any waivers from those regulations that are granted to the Department as the result of the enactment of Public Chapter 950 (1996). A Federal waiver from certain regulations prescribed by the United States Department of Health and Human Services concerning the AFDC, Child Support, JOBS, and Medicaid programs was granted to the Department of Human Services on July 25, 1996.
- (3) Section 8(e) and Section 9(d) of Public Chapter 950 (1996) permit the Department of Human Services to implement any rules by public necessity which are necessary to comply with the September 1, 1996 effective date of the Families First Act and to comply with the Federal waiver requirements or to maintain compliance with any Federal law or Federal regulation which has not been waived. These public necessity rules were implemented on September 3, 1996.
- (4) The Federal waiver to operate demonstration projects under Section 1115 of the Social Security Act granted to the Department of Human Services on July 25, 1996 by the United States Department of Health and Human Services requires that there remain a control group subject to the regular program rules according to the State’s approved AFDC, Child Support, JOBS, and Medicaid State Plans and approved Food Stamp Plan of Operations, and the Department of Human Services is given authority by Section 9(d) of Public Chapter 950 (1996) to implement any rules by public necessity which are necessary to comply with the Federal waiver requirements.
- (5) To the extent they are not in direct conflict with the Federal waiver requirements, current Federal law or regulations, action transmittals, or policy interpretations of the United States Departments of Health and Human Services or Agriculture or Federal or State court orders affecting those laws or regulations or affecting the Department of Human Services’ responsibility under Title IV-A, Title IV-D, and Title IV-F and Title XIX of the Social Security Act and the provisions of the Food Stamp Act, the provisions of Chapters 1240-1-1 through 1240-1-44 inclusive as they existed prior to the effective date of Public Chapter 950 (1996), or as they shall hereafter be amended, shall continue as the regular program rules and for the purposes of providing policy and interpretation of the Federal and state law and regulations governing the AFDC, JOBS, and Medicaid control group required by the terms of the Federal waiver of July 25, 1996, or as the waiver may be amended, in order to provide evaluation of the demonstration projects permitted pursuant to the Federal waiver and such rules shall continue to

(Rule 1240-1-1-.01, continued)

- govern and provide policy and interpretation of the Federal and state law and regulations governing the Food Stamp program in Tennessee until otherwise amended.
- (6) In order to provide continued specific interpretation of certain responsibilities of the Department of Human Services under Title IV-A, Title IV-D, Title IV-F, and Title XIX of the Social Security Act which continue to be necessary and which may not have been waived under the Families First (TA) Program, and for the purposes of the operation of the Federal waiver demonstration projects, the provisions of paragraph (7) referencing Chapters 1240-1-2 through 1240-1-44 inclusive, Rules of the Tennessee Department of Human Services, Family Assistance Division, as they existed prior to September 1, 1996 or prior to the implementation date of Public Chapter 950 (1996), or as they may be amended thereafter, will apply to Chapter 1240-1-45 through 1240-1-56, but only where not otherwise in conflict with, or superseded by;
- (a) The specific requirements of Chapters 1240-1-45 through 1240-1-56;
- (b) The Federal waiver granted by the United States Department of Health and Human Services on July 25, 1996 as the result of Public Chapter 950 (1996), and as such waiver may be further modified; and
- (c) Federal law or regulations or action transmittals or interpretations of the United States Department of Health and Human Services, as they exist or are amended, or with Federal or State Court orders which affect Chapters 1240-1-1 through 1240-1-45 or which otherwise affect the Department of Human Services' responsibility under Title IV-A, Title IV-D, Title IV-F and Title XIX of the Social Security Act.
- (7) The following provisions of Chapters 1240-1-2 through 1240-1-44, as limited by paragraph (6), remain applicable to the Families First Program established by Public Chapter 950 (1996) and Chapters 1240-1-45 through 1240-1-56:
- (a) Chapter 1240-1-13 - Case Records Management.
- (b) Chapter 1240-1-14 - Application Process.
- (c) Chapter 1240-1-15 - Interviewing for Eligibility.
- (d) Chapter 1240-1-16 - Verification Procedures.
- (e) Chapter 1240-1-17 - Timeliness Standards.
- (f) Chapter 1240-1-18 - Authorization of Grants and Allotments.
- (g) Chapter 1240-1-19 - Continuing Responsibilities.
- (h) Chapter 1240-1-43 - Protection of Children.
- (8) Nothing in this Chapter shall be construed to modify existing Food Stamp regulations in Chapters 1240-1-1 through 1240-1-44 except as otherwise required by Federal or State law or regulation, as they are amended, or Federal or State court order, or action transmittals or policy interpretations of the United States Department of Agriculture, or any Federal waiver requirements.

(Rule 1240-1-1-.01, continued)

**Authority:** TCA . . . 4-5-201 et seq. and 71-1-105; Public Chapter 950 (1996); Section 1115 of the Social Security Act; 7 USC 2011 et seq.; 7 CFR 273; TCA . . . 71-5-301 et seq. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 2, 1996; effective February 15, 1997.

#### **1240-1-1-.02 RIGHT TO APPLY.**

- (1) Any person wishing to do so shall have the opportunity to apply for Food Stamps/AFDC without delay.
- (2) Information about the programs of assistance administered by the Department of Human Services shall be provided to any person requesting it.
- (3) Applications must be filed in the Department of Human Services county office of the applicant's residence and must be on a form prescribed by the agency. The application must be filed by the applicant himself/herself, his/her authorized representative or designated agent, or someone acting responsibly for him/her.
- (4) An applicant may be assisted by an individual of his/her choosing in the various aspects of the application/redetermination of eligibility process. However, it is unlawful for any person/agency to charge or receive anything of value, either directly or indirectly, for providing such assistance to a person requesting aid.
- (5) A person found eligible for AFDC cash payments is eligible for Medicaid benefits without filing a separate application.
- (6) Proof of eligibility is not required of a person prior to his/her filing an application.
- (7) The right to file an application shall not be denied to any person even though it is apparent to the worker that eligibility for Food Stamps/AFDC benefits does not exist.

**Authority:** TCA . . . 14-8-106; 14-8-118; 14-27-104; 7 CFR 273.2; 45 CFR 206.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.